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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,328	06/26/2006	Eric Vetillard	VETILLARD1	9651
1444	7590	10/20/2008	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C.			POLLOCK, GREGORY A	
624 NINTH STREET, NW				
SUITE 300			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20001-5303			3695	
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			10/20/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/584,328	VETILLARD, ERIC	
	<b>Examiner</b>	<b>Art Unit</b>	
	GREG POLLOCK	3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 July 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

1. This action is responsive to claims filed 07/03/2008 and Applicant's request for reconsideration of application 10/584328 filed 07/03/2008.

The amendment contains amended claims 2-6

The amendment contains new claims 7 and 8.

Claim 1 has been canceled.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**Examiner's note:** Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the **entire** reference as potentially teaching all or part of the claimed invention, as well as the content of the passage as taught by the prior art or disclosed by the Examiner.

3. Claims 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baentsch et al. 6792612 (U.S. Patent No. 6792612) in view of Baentsch et al. 20020093856 (PGPub No. 20020093856).

**As per claim 7, Baentsch et al. 6792612 teaches a method for loading into a computer device (JAVA card [column 1, lines 7-9] and [claim 6]) with a programming language (JAVA [column 1, lines 7-9]) using objects (CAP files contain text sections, which contain classes, and data section which contain static fields [column 1, lines 62-67] and [column 2, lines 51-55]. The applicant refers to classes and static fields as objects. CAP files also contain fixup tables**

and packages [column 2, lines 55-58]. The packages use the fixup tables to update a target package (software version) [column 5, lines 31-42] and [column 4, lines 11-31]), **an updated release of an earlier application** (a method for introducing new code [claim 3, line 1]) **having earlier application classes and earlier static field identifiers** (text sections, which contain classes, and data section which contain static fields [column 1, lines 62-67] and [column 2, lines 51-55]), **said updated release having updated application release classes** (text section contains classes [column 1, lines 62-67] and [column 2, lines 51-55]), **and updated static field identifiers** (data section contains static fields [column 1, lines 62-67] and [column 2, lines 51-55]), **said programming language permitting an introduction of additional classes, a class hierarchy modification and a definition of further fields and methods** ([column 2, lines 53-55] and [column 3, lines 36-40]), **said method comprising the steps of: computing, in a first computing operation prior to said loading, a class matching information establishing a correspondence between said earlier application release classes and said updated application release classes** (the fixup table contains the position in the text section where a relocation has to take place [column 2, lines 59-60], where the text section contains class structures [column 2, lines 53-55]);  
**computing, in a second computing operation prior to said loading, a second static field identifiers matching information establishing a correspondence between said earlier application release static field identifiers and said updated application release static field identifiers** (the fixup table contains the position in the data section where a relocation has to take place [column 2, lines 59-60], where the data section contains static fields [column 2, lines 53-55]);  
**linking said class matching information and said static field identifiers matching information to said updated application release as loaded into the computer device** (“There is one fixup table for every package the cardlet is linked to (i.e. the target package) [column 2, lines 57-58], where the link process is described [column 3, line 42 – column 4, line 10]);

Baentsch et al. 6792612 does not teach **computing, prior to loading**.

Baentsch et al. 20020093856 teaches a **computing, prior to loading**. (JAVA card code development process [¶4-¶8])

It would be obvious to someone skilled in the art at the time of the invention to use the JAVA card code development process of Baentsch et al. 20020093856 as a development process for code to run on the JAVA card Baentsch et al 6792612. Baentsch et al. 6792612 states [column 1, lines 50-52] that “the person skilled in the art is assumed to be familiar with the basic mechanisms of the Java Virtual machine and its implementation”. Therefore, many of the method steps of the applicant claimed invention are not disclosed in Baentsch et al. 6792612, as

being well known in the art. However, in Baentsch et al. 20020093856, steps for updating a JAVA card are disclosed in full detail. One skilled in the art would be inclined to do so to because it would provide a method which would allow the JAVA cards of Baentsch et al. 6792612 reusable and, therefore, decrease replacement cost.

**and using said class matching information and said static field identifiers matching information to modify the objects** (Figure 3, shows the symbolic binding of an applet against a target package [column 4, lines 21-26]) **to point at the updated application ([column 4, lines 21-60]) release classes and use the updated application release static field identifiers** (Figure 3, shows the symbolic binding of an applet against a target package [column 4, lines 21-60]).

**As per claim 2,** the rejection of claim 7 has been addressed.

Baentsch et al. 6792612 teaches a **method wherein said class matching information and static field identifiers matching information are lookup tables** (the fixup table contains the position in the text section and data section where a relocation has to take place [column 2, lines 59-60], where the text section contains class structures [column 2, lines 53-55] and the data section contains data section contains static fields [column 2, lines 53-55]).

**As per claim 3,** the rejection of claim 7 has been addressed.

Baentsch et al. 6792612 teaches a **method wherein said class matching information and static field identifiers matching information is omitted when said objects are not to be modified** (the fixup table contains the position in the text section and data section where a relocation has to take place [column 2, lines 59-60]. Therefore, if a relocation does not need to take place, it would not be contained in the fixup table.).

**As per claim 4,** the rejection of claim 7 has been addressed.

Baentsch et al. 6792612 does not teach a **method comprising an implementation of procedures for updating application data after the new application release has been installed.**

Baentsch et al. 20020093856 teaches a **method comprising an implementation of procedures for updating application data after the new application release has been installed.** (installation program [¶8] running on a JAVA card [¶6])

It would be obvious to someone skilled in the art at the time of the invention to use an installation program as described in Baentsch et al. 20020093856 to updated the application code running on the JAVA card of Baentsch et al. 6792612. One skilled in the art would be inclined to do so to making the JAVA

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cards of Baentsch et al. 6792612 reusable and, therefore, decrease replacement cost.

**As per claim 5**, the rejection of claim 7 has been addressed.

Baentsch et al. 6792612 teaches a **method wherein said computer device is a chip card**. (JAVA card [column 1, lines 7-9] and [claim 6])

**As per claim 6**, the rejection of claim 7 has been addressed.

Baentsch et al. 6792612 teaches a **method programming language is a "Java Card" language**. (JAVA [column 1, lines 7-9])

**As per claim 8**, the rejection of claim 7 has been addressed.

Baentsch et al. 6792612 teaches a method **wherein said class matching information and said static field identifiers matching information are omitted when no additional class is added to said new application release or when newly introduced additional classes do not change said class hierarchy** (the fixup table contains the position in the text section and data section where a relocation has to take place [column 2, lines 59-60]. Therefore, if a relocation does not need to take place, it would not be contained in the fixup table.).

### ***Response to Arguments***

4. Applicant's arguments, with regards to claims 2-8, filed 07/03/2008 have been fully considered but they are not persuasive.
  
5. On pages 6-7 of the Applicant's Response, applicants argue that "introducing new code into a runtime Java system and modifying the newly loaded code", as taught by Baentsch et al. 6792612 (U.S. Patent No. 6792612) is not the same as "loading an updated release of an application in which the existing code and data are modified in order to link them to the updated loaded release of the application".

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6. The Examiner respectfully disagrees with Applicant's arguments. The examiner contends that the applicant's "loading an updated release" and "introducing new code" of Baentsch et al. 6792612 results in functionally the same method steps. The examiner directs the applicant to Baentsch et al. 6792612 [column 5, lines 31-52] which discloses that the implementation (release) is checked prior to loading the text (class structures) and data (static data) sections. Logically, there is not a need to perform this step or to have a fixup table if the Java card is loaded with the text (class structures) and data (static data) sections at the same time as the new code. Therefore, in both the current application and the cited art, code is loaded prior to the class and static data tables being updated. Calling the prior loaded code "a new code" or "a new release" is non-functional descriptive matter.
7. On page 7 of the Applicant's Response, applicants argue that Baentsch et al. 6792612 (U.S. Patent No. 6792612) does not disclose introduction of class hierarchy.
8. The Examiner respectfully disagrees with Applicant's argument. Baentsch et al. 6792612 (U.S. Patent No. 6792612) discloses the use of CAP file format which includes class structures. The examiner contends that the applicant's class hierarchy is the same as the class structures as taught by Baentsch et al. 6792612 (U.S. Patent No. 6792612).

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9. On page 9 of the Applicant's Response, applicants argue that Baentsch et al. 6792612 (U.S. Patent No. 6792612) and Baentsch et al. 20020093856 (PGPub No. 20020093856) combined do not "computing, prior to that loading, a piece of information for matching the static field identifiers of the earlier application release to the static field identifiers of the new application release".
10. The Examiner respectfully disagrees with Applicant's argument. Baentsch et al. 20020093856 (PGPub No. 20020093856) [¶4-8] provides the development process of creating the applet as found in Baentsch et al. 6792612 (U.S. Patent No. 6792612) capable of updating the JAVA card using the CAP file formats. This is the purpose of introducing Baentsch et al. 20020093856 (PGPub No. 20020093856) as prior art. Baentsch et al. 6792612 (U.S. Patent No. 6792612) as cited provides the use of a CAP file format which contains the text (class structures), data (static data) sections, fixup tables, packages, and applets required to update a JAVA card. Note that both the present application and Baentsch et al. 6792612 (U.S. Patent No. 6792612) use CAP files as a means to update a JAVA card, which represents stored data existing prior to updating of a JAVA card.
11. Therefore, in view of the above reasons, Examiner maintains rejections.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP §

706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pollock whose telephone number is 571 270-1465. The examiner can normally be reached on 7:30 AM - 4 PM, Mon-Fri Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Kramer can be reached on 571 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GAP

10/1/2008

/Gregory Pollock/  
Examiner, Art Unit 3695

Gregory A. Pollock

/Lewis A. Bullock, Jr./  
Supervisory Patent Examiner, Art Unit 2193